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*S.A.M., and EFG Bank & Trust (Bahamas) Limited*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

*(For Continuation of Caption, See Following Page)*

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

EFG BANK S.A., f/k/a EFG Private Bank S.A.,  
EFG BANK (MONACO) S.A.M., f/k/a EFG  
Eurofinancière d'Investissements S.A.M., and EFG  
BANK & TRUST (BAHAMAS) LIMITED, as  
successor-in-interest to Banco Atlántico (Bahamas)  
Bank & Trust Limited,

Defendants.

Adv. Pro. No. 12-01690 (SMB)

**EFG BANK S.A., EFG BANK (MONACO) S.A.M., AND EFG BANK & TRUST  
(BAHAMAS) LIMITED'S COUNTER-DESIGNATION OF ADDITIONAL ITEMS TO  
BE INCLUDED IN RECORD OF APPEAL**

Pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure and Rule 8009-1 of the Local Bankruptcy Rules for the Southern District of New York, EFG Bank S.A., f/k/a EFG Private Bank S.A., EFG Bank (Monaco) S.A.M., f/k/a EFG Eurofinancière d'Investissements S.A.M., and EFG Bank & Trust (Bahamas) Limited, as successor-in-interest to Banco Atlántico (Bahamas) Bank & Trust Limited (collectively "EFG Bank"), respectfully submits this counter-designation of items to be included in the record on appeal of the Final Judgment [ECF No. 71] in this Adversary Proceeding. EFG Bank may rely on some or all of the items designated for the record on appeal by Irving H. Picard, the Trustee. In addition to those items designated by the Trustee in the Trustee's designation, the following additional items from this Adversary Proceeding and the main docket, Sec. Investor Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC (In re BLMIS), Adv. Pro. No. 08-01789 (SMB) (Bankr. S.D.N.Y.), are designated to be included in the record on appeal:

<u>Designation</u>	<u>Date</u>	<u>ECF No. (12-01690)</u>	<u>ECF No. (08-01789)</u>
1	4/4/2017	76	15646
<u>Docket Text</u> : Certification of Direct Appeal to Court of Appeals (related document(s)[72]) filed by Thomas L. Long on behalf of Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff, (Long, Thomas).			
2	4/8/2016	---	13070
<u>Docket Text</u> Letter on Behalf of the Subsequent Transferee Defendants in Response to Mr. Sheehans Letter dated April 7, 2016 (related document(s) 13051) Filed by Franklin B. Velie on behalf of Bank Austria Worldwide Fund Management Ltd. (Velie, Franklin) (Entered 04/08/2016).			

Each item designated above shall also include any and all exhibits and documents annexed to or referenced within such item. EFG Bank reserves the right to: (i) supplement, amend, or modify the designation of additional items for the record on appeal, (ii) adopt the designation of any items designated or counter-designated by any other appellant, cross-appellant, appellee, or cross-appellee to any of the appeals or cross-appeals from the Final Judgment (iii) move to strike items designated by any party as necessary or appropriate and (iv) present a counterstatement of issues on appeal in its appellate brief(s) (including any brief joined by EFG Bank or otherwise applicable to this Adversary Proceeding).

Dated: April 11, 2017  
New York, New York

By: /s/ D. Farrington Yates  
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